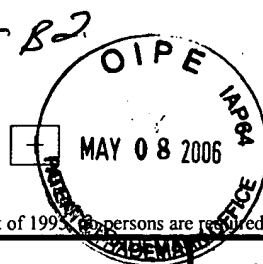


7,033,786B2



05-10-06

cd/c

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PTO/SB/31 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/015,715	
	<b>Filing Date</b>	December 12, 2001	
	<b>First Named Inventor</b>	Kevin P. Baker	
	<b>Group/Art Unit</b>	1647	
	<b>Examiner Name</b>	Landsman, Robert S.	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	39780-2830P1C56

**Certificate of Correction**  
MAY 15 2006

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> Exhibits <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input checked="" type="checkbox"/> <b>REQUEST FOR CERTIFICATE OF CORRECTION</b> <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Status Claimed <input type="checkbox"/> Statement under 3.73(b)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <b>CERTIFICATE OF CORRECTION; COPY OF AMENDMENT UNDER 1.48(b) of 7/5/2005.</b>
<b>Remarks</b> <b>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 (ATTORNEY DOCKET NO.: 39780-2830P1C56) FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.</b>		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	Anna L. Barry, Reg. No. 51,436, HELLER EHRMAN LLP		
Signature			
Date	May 8, 2006	Customer Number:	35489

CERTIFICATE OF EXPRESS MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop: xxxxxx; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 8, 2006.			
Express Mail Label: EV 765 972 485 US			
Typed or printed name	Elena Torres		
Signature		Date	May 8, 2006

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MAY 15 2006



PATENTS  
Attorney Docket No. 39780-2830 P1C56

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent No.: 7,033,786 B2  
Dated: April 11, 2006  
Inventor(s): Gao, et al.

**MS: Certificate of Correction Branch**

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

Sir:

**REQUEST FOR CERTIFICATE OF CORRECTION**

Patentee hereby requests a Certificate of Correction since the issued patent does not take into account the changes shown in the Amendment filed under 37 CFR 1.48(b) and 37 CFR 1.312 on March 7, 2005.

Submitted herewith is a copy of the Amendment filed under 37 CFR 1.48(b) and 37 CFR 1.312 on March 7, 2005, along with a completed Form PTO-1050 containing the requested correction. A return receipt postcard is enclosed.

No fee is believed due, because this is the correction of an Office mistake. Please charge any fees that may be required to Account No. 08-1641, referencing Attorney docket 39780-2830 P1C56. A duplicate of this document is enclosed.

Respectfully submitted,

Date: May 8, 2006

By:   
Anna L. Barry (Reg. No. 51,436)

**Heller Ehrman, LLP**  
**Customer No. 35489**  
275 Middlefield Road  
Menlo Park CA 94025-3506  
Tel: 650/324-7000  
Fax: 650/324-0638

SV 2205521 v1

MAY 15 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

**PATENT NO.** : 7,033,786 B2

**DATED** : April 25, 2006

**INVENTOR(S)** : Gao, et al.

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

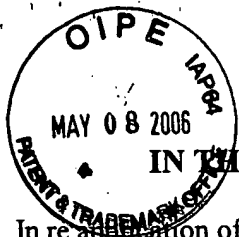
On the front page, in the Inventors, delete the inventors and replace as follows –Wei-Qiang Gao, Palo Alto, CA (US); Audrey Goddard, San Francisco, CA (US); Paul J. Godowski, Hillsborough, CA (US); Austin L. Gurney, Belmont, CA (US); William I. Wood, Hillsborough, CA (US)--

**MAILING ADDRESS OF SENDER:**

Ginger R. Dreger  
HELLER EHRMAN LLP  
275 Middlefield Road  
Menlo Park, CA 94025

**PATENT NO.:** 7,033,786 B2  
**Atty. No.:** 39780-2830 P1C56

REC'D 3 2006



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Kevin P. BAKER, et al.

Application Serial No. 10/015,715

Filed: December 12, 2001

For: PRO1340 NUCLEIC ACIDS

) Examiner: Landsman, Robert S.  
)  
) Art Unit: 1647  
)  
) Confirmation No: 4464  
)  
) Attorney's Docket No. 39780-2830 P1C56  
)  
) Customer No. 35489

**EXPRESS MAIL LABEL NO. EL 993 636 936 US**

**DATE MAILED: MARCH 7, 2005**

**AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312**

**MAIL STOP AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

Please enter the following amendments, and consider the following arguments.

**Amendment to the Claims begin on page 2.**

**Remarks begin on page 6.**

**MAY 15 2006**

**Amendments to the Claims:**

1-27. (canceled)

28. (previously presented) An isolated nucleic acid encoding a polypeptide having at least 80% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO:229;
  - (b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;
  - (c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or
  - (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,
- wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

29. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 85% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO:229;
  - (b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;
  - (c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or
  - (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,
- wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

30. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 90% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO:229;
- (b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;

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(c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or

(d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,

wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

31. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 95% sequence identity to:

(a) the amino acid sequence of the polypeptide of SEQ ID NO:229;

(b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;

(c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or

(d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,

wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

32. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 99% sequence identity to:

(a) the amino acid sequence of the polypeptide of SEQ ID NO:229;

(b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;

(c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or

(d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,

wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

33. (currently amended) An isolated nucleic acid comprising:

- (a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229;
- (b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide of SEQ ID NO:229;
- (d) the nucleic acid sequence of SEQ ID NO:228;
- (e) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228;

or

[[e]] (f) the full-length coding sequence of the cDNA deposited under ATCC accession number 203268.

34. (previously presented) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229.

35. (previously presented) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229, lacking its associated signal peptide.

36. (previously presented) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide of SEQ ID NO:229.

37. (canceled)

38. (previously presented) The isolated nucleic acid of Claim 33 comprising the nucleic acid sequence of SEQ ID NO:228.

39. (previously presented) The isolated nucleic acid of Claim 33 comprising the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228.

40. (previously presented) The isolated nucleic acid of Claim 33 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number 203268.

MAY 2006

41. (canceled)
42. (canceled)
43. (canceled)
44. (previously presented) A vector comprising the nucleic acid of Claim 28.
45. (previously presented) The vector of Claim 44, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.
46. (previously presented) An isolated host cell comprising the vector of Claim 44.
47. (previously presented) The isolated host cell of Claim 46, wherein said cell is a CHO cell, an *E. coli* or a yeast cell.



### **REMARKS**

Claims 28-36, 38-40 and 44-47 stand allowed in this application. With this amendment, letter (e) has been replaced with letter (f) in order to remove duplication in numbering within Claim 33 and to improve the clarity of the claim. No new matter is added by way of the claim amendment.

Applicants respectfully request entry of the claim amendment.

### **INVENTORSHIP**

In the above identified application, a Notice of Allowance was mailed on December 30, 2004, but an issue fee has not been paid. Having reviewed the allowed claims, Applicants have found that as a result of claim amendments made during prosecution, fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the present application. Accordingly, please **delete** the names of the following inventors, who have not made an inventive contribution to the currently claimed subject matter:

<b>Kevin P. Baker</b>	<b>David Botstein</b>
<b>Luc Desnoyers</b>	<b>Dan L. Eaton</b>
<b>Napoleone Ferrara</b>	<b>Sherman Fong</b>
<b>J. Christopher Grimaldi</b>	<b>Kenneth J. Hillan</b>
<b>James Pan</b>	<b>Nicholas F. Paoni</b>
<b>Margaret Ann Roy</b>	<b>Victoria Smith</b>
<b>Timothy A. Stewart</b>	<b>Daniel Tumas</b>
<b>Colin K. Watanabe</b>	<b>P. Mickey Williams</b>

Upon entering the present amendment, Wei-Qiang Gao, Audrey Goddard, Paul J. Godowski, Austin Gurney and William I. Wood remain named inventors in this case.

Please charge the fee of \$130.00 and/or any fees that might become applicable, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39780-2830 P1C56. Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: March 7, 2005

By:   
Anna L. Barry (Reg. No. 51,436)

**HELLER EHRMAN WHITE & McAULIFFE LLP**

275 Middlefield Road  
Menlo Park, California 94025  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

SV 2107901 v1  
3/6/05 1:29 PM (39780.2830)

MAY 15 2006